

123103
16523 US PTO

Docket No.: 149

17302 U.S. PTO
10/750712

123103

December 31, 2003

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Nielsen, James T.

Hausen, Bernard A.

Bombard, David L.

Title: **Surgical Apparatus and Method for Anastomosis**

X Return Receipt Postcard
X This Transmittal Letter
202 page(s) Specification (not including claims)
5 page(s) Claims
1 page Abstract
94 Sheet(s) of Drawings
X Form PTO-1449 and Information Disclosure Statement letter
2 page(s) declaration and power of attorney
2 page(s) assignment, and Recordation Form Cover Sheet
X Check no. 8959 in the amount of \$506.00
X Nonpublication Request
X **Applicant(s) assert(s) entitlement to small entity status for the attached patent application.**

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/720,618, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/607,524, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/392,336, which in turn is a continuation-in-part of U.S. Patent Application Serial No. 10/151,441, which in turn is a continuation-in-part of U.S. Pat. No. 6,391,038.

CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))

	Number Filed		Number Extra				Basic Fee
For Total Claims	29	-20	=	9	x	\$9.00	\$ 385.00
							\$ 81.00
Independent Claims	3	-3	=	0	x	\$43	\$ 0.00

- | | |
|--|-----------|
| <input type="checkbox"/> Fee of _____ for the first filing of one or
more multiple dependent claims per | \$ |
| <input checked="" type="checkbox"/> Fee for recording assignment | \$ 40.00 |
| <input checked="" type="checkbox"/> Total fee for filing the patent application | \$ 506.00 |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees
which may be required, or credit any overpayment, to Deposit Account
502108. | |

EXPRESS MAIL LABEL NO.:
EV302958495US

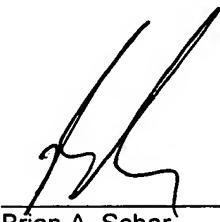
Respectfully submitted,



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REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)		Inventors	Nielsen, James T.; et. al.
		Title	Surgical Apparatus and Method for Anastomosis
		Atty Docket Number	149

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).



December 31, 2003

Date

Brian A. Schar
Attorney for Applicants
Reg. No.: 45,076

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**